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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,741	09/29/2003	Atsushi Mizutome	03500.017621.	6742
5514	7590	01/04/2010	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 1290 Avenue of the Americas NEW YORK, NY 10104-3800				LUONG, ALAN H
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/671,741	MIZUTOME ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	ALAN LUONG	2427	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 19 October 2009.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 48 and 50-56 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 48 and 50-56 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
     1. Certified copies of the priority documents have been received.  
     2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
     3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____.   | 6) <input type="checkbox"/> Other: _____ .                        |

## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 19, 2009, has been entered.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
2. Claims **48** and **50-56** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Dutta** (US Pub. 2002/0065910); in view of **Satake** et al. (US Pub. 2001/0035917)

**Regarding claim 48.** Fig. 1 of Dutta illustrates **a receiving apparatus [2] connectable to an internet [6]**, (Dutta, ¶0021) said apparatus comprising:

**a receiving unit** (i.e. client computer [2]) **for receiving a moving image-streaming content** (i.e. such as text, audio, video images, still images, animation, three-dimensional images, etc); **by an access through the internet [6] to a URL of the streaming content** (e.g. A user may access an HTML page by typing the URL address in an address field in the browser (as NETSCAPE Communicator, the MICROSOFT Internet Explorer, Spry Mosaic, NCSA Mosaic, Lynx, Opera, GNUscape Navigator, etc.) selecting a URL saved in a "Favorites" or "Bookmark" list of user selected URLs, or selecting a URL displayed as a hypertext link or icon in a displayed HTML page.,),  
**(Dutta , ¶0004-¶0005, ¶0021-¶0022);**

Fig. 2 depicts **a memory unit [22] for storing URL information of the moving image-streaming content received by the receiving unit** (i.e. the browser [8] stores information on the URL of each page retrieved in a URL history list [22]) **(Dutta, ¶0022-¶0023);**

**a display unit** (i.e. a display monitor of client computer [2]) **for displaying on a display screen the moving image-streaming content received by the receiving unit;** (i.e. a layout engine 32 that processes the DOM representation [26] of the input page to render the content of the DOM representation [26] onto an output device, such as a display monitor, to present the page.) **( Dutta , ¶0024);**

Dutta is silent with respect to “*an operation unit for receiving an operation of turning off and turning on source; a control unit for (1) controlling, responsive to the receiving by*

*the operation unit of the operation of turning off; a storage for storing the moving image-streaming content received by the receiving unit;*

In an analogous art directed toward a similar problem namely improving the results from an operation unit for receiving an operation of turning off and turning on source.

Fig. 1 of Satake illustrates a process of display apparatus ([1] of Fig. 1) includes “**an operation unit** ([7] of fig. 1) includes operation buttons 7a and 7b, **for receiving an operation of turning off and turning on source** as Power Switch [5] of Fig. 1) (**i.e.** the power switch 5 is connected to the board 17, which constitutes a switching means for turning power-source of the display apparatus 1 ON and OFF) (**Satake, ¶0027, ¶0031**).

In an analogous art directed toward a similar problem namely improving the results from *a control unit for (1) controlling, responsive to the receiving by the operation unit of the operation of turning off*

*Fig. 1 shows a control unit (i.e. a controller 3) for (1) controlling, responsive to the receiving by the operation unit of the operation of turning off, (i.e. the viewer depresses a button 5a of the power switch 5 (step ST4). Simultaneously, a controller 3 of the display apparatus 1 shown in FIG. 1 reads data related to communicative information stored in a memory unit 13, for example (step ST5).)* (**Satake, ¶0031, ¶0034**)

In an analogous art directed toward a similar problem namely improving the results from *storage for storing the moving image-streaming content received by the receiving unit;*

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Addition, Fig.1 and 7 depicts storage (i.e. a memory unit 13) for storing the moving image-streaming content received by the receiving unit; (i.e. The communication unit 25 receives data from Internet [23] and stores data read under the control of the controller 3 in the memory [13]). (**Satake, ¶0028, ¶0053**)

Therefore, at the time of the invention was made, it would have been obvious to one having ordinary skill in the art to modify receiving apparatus of Dutta includes **an operation unit and control unit** as taught by Satake, in order to provide a switching circuit for user to enjoy TV program when such an undesired commercial advertising program is broadcast at the beginning or on the way of proceeding with a regular TV program as cited above, since any of TV viewers is obliged to wait for resumed broadcasting of the desired program for a certain duration, and yet, since an enjoyable program is interrupted, normally, TV viewers are inclined to change TV channels to avoid watching undesired commercial advertising programs. This in turn results in the lowered effect of publicity via broadcast commercial advertising programs (**Satake, ¶0005**).

Furthermore, Fig. 5 of Dutta shows (If (at block 124) there is an entry in the URL history list 22 for the URL included in the hyperlink, then the browser 8 determines (at block 126) a color corresponding to the access time rating 58 for the entry in the URL history list 22 for the URL. The browser 8 may maintain colors corresponding to different ranges of access time ratings) (Dutta, **¶0031**) meets **(a) to read out the URL information stored in the memory unit**, and Fig. 5 of Dutta further shows (Control then proceeds to block 138 in FIG. 6 to update the URL history list 22 with the total

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access time for the URL page just downloaded and rendered). (Dutta, ¶0033) meets **(b) to periodically repeat accessing of a URL of the moving image-streaming content, which had been displayed before the turning off, so as to receive by the receiving unit and store in the storage the latest the moving image-streaming content:**

Additionally, Satake teaches **(2) controlling, responsive to the receiving by the operation unit of the operation of turning on** (i.e. a viewer turns on the power of the display apparatus 1 by pressing the button 5a of the power switch 5 (step ST2), in order to display a video picture of a desired program on the display unit 9 of the display apparatus 1, as shown in FIG. 2 (step ST4) and continuously viewing the video picture 10 for a certain period of time, until user discontinues to watch it) (**Satake, ¶0034**)

Finally, Dutta further modifies above Satake teaching with **to read out from the storage the latest stored moving image-streaming content and to start the displaying on the display screen of the latest stored moving image-streaming content** (i.e. displaying a list of user saved "Favorite" or "Bookmark" URLs, the browser 22 may determine the access time rating 56 to determine the color to use to display each URL in the "Favorite" or "Bookmark" list of saved URLs" (i.e. previously accessed URLs may be displayed in different colors to indicate the relative expected access time for that URL, e.g., fast, medium, slow). (Dutta, ¶0034). Therefore, combination of Dutta and Satake meet the limitation of **(2) controlling, responsive to the receiving by the operation unit of the operation of turning on, to read out from the storage the latest stored moving image-streaming content and to start the displaying on the display screen of the latest stored moving image-streaming content**

**Regarding claim 50.** Merely repeats the same limitation of claim 48, wherein **a receiving apparatus** of Dutta and Satake comprise:

Fig. 1 of Dutta shows a client computer [2] as **a first receiving unit** for receiving a moving image-streaming content by an access through an internet to a URL of the moving image-streaming content;

Fig. 1 of Dutta shows URL History List [22] as **a memory unit** for storing URL information of the moving image-streaming content received by the first receiving unit;

Fig. 6 of Satake illustrates a communication unit 11 as **a second receiving unit**, includes such a function to receive a variety of data from a server (not shown), **for receiving a television broadcast program transmitted through a broadcast signal as a satellite station 21 using radio communication; (Satake, ¶0047)**

Addition, Satake also includes Fig. 6 illustrates **an operation unit** [7] for receiving an operation of Power switch [5] **for switching** from a displaying of the moving image-streaming content on **a display screen** [9] to a **displaying of the television broadcast program** [10] on the display screen of Fig. 2, and an operation of switching from the displaying of the television broadcast program on the display screen to the displaying of the **moving image-streaming content** [12] on the display screen of Fig. 3; **(Satake, ¶0034, ¶0035)**

Fig.1 and 7 of Satake depicts **storage** (i.e. a memory unit 13)

*Finally, Fig. 1 of Satake depicts a control unit (i.e. a controller 3)*

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Claim 50 is rejected for the same reason set forth in discussion of claim 48.

**Regarding claim 51.** (Currently Amended) The receiving apparatus according to claim 48, wherein the control unit is further configured to responsive to the receiving by the operation unit of the operation of tuning on; Dutta further teaches, (a) **read out the URL information stored in the memory unit ( Dutta , ¶0031)** and

(b) **receive by the receiving unit the latest moving image-streaming content by accessing the URL of the moving image-streaming content which had been displayed before the turning off.** (i.e. in a pre-selected "Favorite" or "Bookmark" list, or in an autocomplete list; the browser 8 displays the URL address in different colors indicating previously accessed URLs may be displayed in different colors to indicate the relative expected access time for that URL, e.g., fast, medium, slow). (Dutta, ¶0034, ¶0035)

**Regarding claim 52.** (Currently Amended) The receiving apparatus according to claim 50, Claim 52 merely repeats the same limitation of claim 51. Claim 52 is rejected for the same reason set forth in claim 51.

**Regarding claim 53.** A method for receiving streaming contents through a network, the method of claim 53 repeats the same features of claim 48. Claim 53 is rejected the same reason set forth in claim 48.

**Regarding claim 54.** (New) The method according to claim 53, Claim 54 merely repeats the same limitation of claim 51. Claim 54 is rejected for the same reason set forth in claim 51.

**Regarding claim 55.** (New) A method for receiving streaming contents through a network, merely repeats the same method of claim 53. Claim 55 is rejected for the same reason set forth in discussion of claim 48 and 53.

**Regarding claim 56.** (New) The method according to claim 55, Claim 56 merely repeats the same limitation of claim 51. Claim 56 is rejected for the same reason set forth in claim 51.

### ***Response to Arguments***

Applicant's arguments, see Remark on pages 8-9, filed 19/ 10 /2009, with respect to the rejection(s) of claim(s) 48 and 50 under 35 U.S.C. 103(a) as being unpatentable over Pack et al. (US Pub. 2002/0010923), in view of Satake et al. has been fully considered and is persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made by Dutta (US Pub. 2002/0065910), in view of Satake et al.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALAN LUONG whose telephone number is (571)270-5091. The examiner can normally be reached on Mon.-Thurs., 8:00am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ALAN LUONG/  
Examiner, Art Unit 2427

/Jason P Salce/  
Primary Examiner, Art Unit 2421